

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 97075 / March 8, 2023

Admin. Proc. File No. 3-18831

In the Matter of SHAWN K. DICKEN

ORDER REGARDING PREHEARING CONFERENCE

The Securities and Exchange Commission issued an Order Instituting Proceedings (“OIP”) on September 24, 2018, pursuant to Section 15(b) of the Securities Exchange Act of 1934, against respondent Shawn K. Dicken, who is currently incarcerated.¹ When Dicken did not file an answer or otherwise respond, the Division of Enforcement filed a motion for entry of default and sanctions against her on April 4, 2019, which the Division subsequently requested be construed as a motion for summary disposition.

On September 13, 2022, we issued an order construing Dicken’s response to our April 8, 2021 order to show cause as her answer to the OIP and directing the parties to conduct a prehearing conference within 28 days and to file a statement with the Office of the Secretary advising the Commission of any agreements reached at said conference.² On November 17, 2022, the Division filed a statement that a prehearing conference was not held, explaining that Dicken had not responded to the Division’s letters requesting to meet and confer. On December 9, 2022, the Division filed a further statement, reporting that it had received a letter from Dicken advising the Division of her difficulties in corresponding by mail and providing an email address by which the Division could reach her. In the statement, the Division requested that the Commission pause any consideration of its motion for summary disposition. The Division further stated that it would inform the Commission of the results of the parties’ efforts to conduct a prehearing conference. However, the parties have not yet filed any statement regarding a prehearing conference.

Accordingly, IT IS ORDERED that by March 29, 2023, the parties shall file a statement with the Office of the Secretary advising the Commission of any agreements reached at the prehearing conference specified by the OIP. If a prehearing conference was not held, both parties shall file by that date a statement, jointly or separately, advising the Commission of that

¹ *Shawn K. Dicken*, Exchange Act Release No. 84272, 2018 WL 4562834 (Sept. 24, 2018).

² *Shawn K. Dicken*, Exchange Act Release No. 95762, 2022 WL 4288964 (Sept. 13, 2022).

fact and of the efforts made to meet and confer. Pursuant to Rule of Practice 180(c), a party's failure to comply with this order may result in the Commission's determination of the matter at issue against that party, entry of a default, dismissal of the proceeding, or the prohibition of the introduction of evidence or the exclusion of testimony regarding the matter at issue.³

The parties' attention is directed to the e-filing requirements in the Rules of Practice.⁴

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

³ 17 C.F.R. § 201.180(c).

⁴ *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465-81.